From: Criss, Jeremy

Sent: Wednesday, April 25, 2012 10:06 AM

To: Berliner, Roger; Navarro, Nancy

Cc: 'weitzer@erols.com'; Silverman, Steve; Jones, Diane; Zawitoski, John

Subject: Agricultural Advisory Committee Recommendation surrounding the Development Impact Tax

for Accessory Dwellings, Buildings and Structures

Attachments: AACDEVIMPACTTAX.doc

Dear Council President Berliner and Council Vice-President Navarro,

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please find attached our recommendation for the Development Impact Tax being imposed on Accessory Dwellings and Accessory Buildings and Structures.

During our April 17, 2012 meeting the Committee voted to submit this attached recommendation to the County Council for consideration.

The AAC learned during our March 20, 2012 meeting of a request to build a farm tenant dwelling from a family that owns a 25 acre farm on Sundown Road.

This Old Sage Farm is located in the 4th Council District.

Please let us know if you have any questions surrounding this recommendation.

Thank you for considering the views of the Agricultural Advisory Committee.

Jeremy

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AGRICULTURAL ADVISORY COMMITTEE

April 18, 2012

The Honorable Roger Berliner Montgomery County Council President 100 Maryland Avenue Rockville, MD 20850

Dear Council President Berliner: Development Impact Tax for Accessory Dwellings, Accessory Building and Accessory Structures

On March 20, 2012 the Montgomery County Agricultural Advisory Committee-AAC met and one of agenda items pertained to a request to build a farm tenant dwelling from a family that owns a 25 acre farm on Sundown Road in the Agricultural Reserve.

The AAC learned that the Department of Permitting Services imposes the same Development Impact Tax-DIT rate on Accessory Dwellings as they do for Principle or Primary Dwellings. The AAC discussed this issue for some period of time and we developed a recommendation for the County Government to consider in imposing a reduced DIT rate for Accessory Dwellings and Accessory Buildings-Structures.

The AAC recommends that the DIT rate should be lower for any accessory dwelling because these dwellings cannot be sold separately as they must remain accessory to the principle or primary dwelling. Section 59-C-9.41 of the Montgomery County Zoning Code states that a farm tenant dwelling, farm tenant mobile home, or guest house on land in the RDT zone are excluded from the density calculation, provided that the use remains accessory to a farm. Taking this fact into consideration the AAC recommends the DIT rate should only represent 30% of the total current rate that is charged for the principle or primary dwelling. In the case of accessory buildings and structures the AAC does not support the full DIT rate should be imposed on these types of uses. The AAC is aware of at least one case where the DIT rate was imposed at the full rate for an existing farm market building that was partially torn down and expanded.

The AAC thanks the County Council for this opportunity to present our views and please let us know if you have any questions.

Sincerely,

avrel Weitzer